

Contents

<i>Table of Cases</i>	xi
<i>Tables of Legislation</i>	xv
Introduction	1
I. CYBERSPACE AS A LAWFUL SPACE	
1. Command and Control	5
Cyberlibertarianism	5
Cyberpaternalism	8
Law as a System of Control?	10
The Limits of Control in Cyberspace	11
Escaping Control	16
2. The Route to Lawfulness	17
Applicability and Legitimate Authority	17
Respect-worthy Laws	20
Is Cyberspace Special?	25
II. LAW-MAKING AUTHORITY	
3. Extraterritoriality	29
Legitimate Authority and Extraterritoriality	30
Masterly Inactivity?	34
Avoiding Unintended Extraterritoriality	36
Irreconcilable Public Policies	44
Making Choices	47
4. Enforcing Law in Cyberspace	49
Enforcement against Individuals	50
Enforcement at the Macro Level	54
Where Next?	67
5. Sources of Authority	69
Applicability and Authority Distinguished	69
Power	74
Legitimacy	77
Community Membership	79
Individualized Authority	82
6. Authoritative Law-making	85
A Subject Rule of Recognition	85
Authority and Law-making	92
Competing Claims to Authority	100

III. RESPECT-WORTHY LAWS

7. Cyberspace Communities and Cyberspace Norms	105
Transposing Offline Legal Norms to Cyberspace	106
Internal Norms of Cyberspace Communities	121
8. Three Ways to Make Meaningless Law	129
Over-complexity	130
Contradictory Rules	132
Precision	134
Making Meaningful Law	149
9. Mismatch with Cyber Reality	151
The Regulation of Proxies	152
Embedded Business Models	156
10. Aims and Effectiveness	179
Principles of Effectiveness	180
Empirical Testing	182
Reasons for Ineffectiveness	185
Cyberspace Law-making Aims	188
11. Future-proofing	189
Technology Neutrality	189
Can Technology Neutrality Achieve its Aims?	199
Non-future-proof Laws	202

IV. LAW-MAKING

12. Revisiting the Modalities of Regulation	207
The Interplay between the Modalities of Regulation	208
The Limits of Code's Control	211
Law's Limits	215
13. Making Laws for Cyberspace	219
Recognizing Limits	219
Starting Points	221
Regulating a Community	223
Norms and the Content of Law	226
'Good' Cyberspace Laws	229
Certainty and the Normative Trade-off	241

<i>Epilogue</i>	243
<i>Index</i>	245